IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Crl.Rev.Pet.No. 85 of 1998(C)

CC.389/1996 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, NEDUMANGAD

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REVN. PETITIONER: COMPLAINANT/RESPONDENT

B.SURESH KUMAR
S/O.BHAGAVATHY ACHARY
RAMESH BHAVAN, MANCHA
NEDUMANGAD.

BY ADV. SRI.M.BALAGOVINDAN
SRI.BIJU KURIAKOSE

RESPONDENTS: ACCUSED

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1. K.RAJAGOPAL ACHARY, DEEPA JEWELLERS
   PALAYAM, NEDUMANGAD.

2. STATE OF KERALA,
   REPRESENTED BY PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.85 of 1998

Dated this the 19th day of June, 2007

O R D E R

The revision petitioner is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act which stands dismissed at the threshold on the ground that the amount mentioned in the notice is excessive relying on the decision reported in Raj vs. Rajan (1997 (1) KLT 302).

2. I find that as pointed out by the counsel for the revision petitioner the above position of law no longer is valid in view of the DB decision of this court in Kunjan Panicker vs. Christudas (1997(2) KLT 539). In the circumstances, the decision of the court below is set aside. The court below is directed to permit the petitioner to further proceed with the case. The revision petitioner shall appear before the court below on 23.7.2007.

The criminal revision petition is allowed.

K.R.UDAYABHANU,
JUDGE

csl